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December 13, 2012

BY EMAIL

The Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *SEC v. Harbinger Capital Partners LLC, et al.*, 12-cv-5028 (PAC)
SEC v. Falcone, et al., 12-cv-5027 (PAC)

Dear Judge Crotty:

I write regarding the scheduling of oral argument on the pending motions to dismiss filed by defendants in both the 5027 and 5028 cases. Under the briefing schedule, plaintiff's opposition briefs are due January 4, 2013, and defendants' reply briefs on January 25, 2013.

The parties have conferred and respectfully request that oral argument be held on Thursday, February 28, 2013 at 3:00pm in Courtroom 11-D

Respectfully submitted,

David Stoelting

cc (via email): David J. Gottesman (SEC counsel in 12-cv-5027)
 Matthew S. Dontzin (counsel for Philip A. Falcone)
 Leslie Gordon Fagen (counsel for Harbinger entities)
 Robert W. Pommer (counsel for Peter A. Jenson)

MAY 2013
ENDORSED

SO ORDERED: 12-14-12

HON PAUL A. CROTTY
 UNITED STATES DISTRICT JUDGE